

REMARKSI. Introduction

In response to the Office Action dated February 3, 2010, claims 110 and 119 have been amended. Claims 110-127 remain in the application. Re-examination and re-consideration of the application, as amended, are respectfully requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. Unless otherwise indicated, these amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. Non-Art Rejections

In paragraph (4) of the Office Action, claims 110-127 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Although Applicants traverse the rejection, in order to expedite prosecution, Applicants have amended the claims in accordance with the suggestions in the Office Action to render the rejection moot.

IV. Prior Art Rejections

In paragraph (6) of the Office Action, claims 110-113, 117-122, 126 and 127 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of Browne et al., WO 92/22983 (Browne), Knudson, U.S. Publication 2005/0204388 (Knudson) and Hoffberg et al, U.S. Patent 5,901,246 (Hoffberg).

In paragraph (7) of the Office Action, claims 114-116 and 123-125 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of Browne, Knudson, Hoffberg and Vallone et al., U.S. Patent 6,847,778 (Vallone).

Applicants respectfully traverse these rejections.

The Browne Reference

Browne teaches a large capacity, random access, multi-source recorder player. The Office Action admits that Browne does not teach or suggest tracking a list of recorded programs for duplicates when the record operation is initiated and activating a previously selected user identified preference to selectively erase the current recording of a program that is identified as a duplicate.

The Knudson Reference

The Knudson reference is cited as teaching allowing a user to indicate a recording preference for programs. The only location that the program type 147 is mentioned in Knudson is in [0085] as follows:

[0085] In addition to episode/series record option 142, program record screen 140 may also contain other user-selectable record options, **provided that the selected program is a program series and the user has selected to record the entire series. These record options allow the user to specify which episodes of the program series the user wishes to record.** For example, program record screen 140 may contain program channel option 145, program day option 146, and program type option 147. **However, these record options may not be selectable by the user if the selected program is a single broadcast event or if the selected program is a program series and the user wishes to schedule a recording for a single episode of the series.** At any time during completion of program record screen 140, the user may cancel the record order by selecting cancel option 148. Selecting cancel option 148 returns the user to display 70 of FIG. 6 or another previous screen. The user may also access program reminder screen 90 of FIG. 10 by selecting reminders option 149. Moreover, the user may deselect any previously selected option by positioning highlight region 95 on the selected option and pressing the enter button on remote control 40.

The Hoffberg Reference

Hoffberg is cited as teaching maintaining a library of episodes of a series without duplicating episodes. Specifically, Hoffberg is cited as teaching:

A user interacting with the device intends to record a particular program, "Married With Children" (Fox, Sunday, 9:00 p.m., etc.) on its ever occurrence. This intent, however, **is to provide a full library of episodes, and not to duplicate episodes.** See Col. 79, lines 5-7.

The user having demonstrated a preference for "Married with Children", the **interface then characterizes the program.** This includes, for example, a characterization of the soundtrack, the background, foreground, actors and actresses present, credits, etc. The interface then attempts to correlate the features present in the reference selection with other available selections. This comparison may be with

a preformed database, providing immediate results, or prospectively, after entry of the reference selection. Of course, a number of correlation functions may proceed simultaneously, and various choices may be merged to form a compound reference selection, any ambiguity in which to be later resolved. Further, as various "episodes" of the reference selection occur, the system appends and integrates the most recent occurrence with the stored reference information, thus updating the reference database.

When an occurrence is identified, it is immediately buffered, until such time as the particular episode may be compared against previously stored episodes. If two identical broadcasts occur simultaneously, one may be selected, i.e., the one with the best reception. **When the episode is identified, if it is new, the buffered broadcast information is permanently stored; if it is previously stored, the buffer is flushed and the occurrence is further ignored as a "hit".** See Col. 81, line 45 – Col. 82, line 1 (emphasis added).

The Vallone Reference

Vallone is cited as teaching a "trick play" bar and "cache" bar.

The Claims Are Patentable Over The Cited References

The claims of the present invention describe methods of processing available content. A method in accordance with one or more embodiments of the present invention comprises receiving the available content using one or more tuners, and performing a plurality of operations on the available content received from the one or more tuners, the plurality of operations including setting a user-identified preference for criteria related to the available content, the criteria comprising tags embedded in an electronic program guide, selecting at least one recorded event from the available content based on thumbnail, preview, or snippet, tracking a list of previously recorded programs for duplicates when a record operation for a current recording is initiated, activating the previously selected user-identified preference for criteria, and selectively terminating and erasing the current recording of a program based on the previously selected user-identified preference for criteria and that is identified as duplicate.

The cited references do not teach or suggest the limitations of the present invention. Specifically, the cited references do not teach or suggest at least the limitation of selectively terminating and erasing the current recording of a program based on the previously selected user-identified preference for criteria and that is identified as duplicate as recited in the claims of the present invention.

Discussion

Applicants thank the Examiner for the detailed discussion provided in the prior Office Action.

The Office Action admits that Browne is silent on tracking and activating a user-identified preference for criteria. Applicants agree with this characterization of Browne.

The Office Action relies upon Knudson to disclose a recording preference and Hoffberg to prevent duplication. Applicants traverse these characterizations of Knudson and Hoffberg.

Initially, Knudson and Hoffberg are related to “series” or “episodes” of television series. Nowhere do these references refer to a single event that may have been recorded before. However, even if Knudson and Hoffberg can be extended to such single event recordings, nowhere do these references use the electronic program guide tags, and a user-identified preference for which tags in the electronic program guide to use as a criteria for recording, much less to selectively use these tags to terminate and erase the current recording that is identified as a duplicate.

Applicants reiterate the previously presented arguments, in that Knudson is merely trying to fill in missing episodes of a series, and Hoffberg merely buffers the recording to add an analysis time into the decision to record.

In addition to the cited references previously mentioned deficiencies, and in order to expedite prosecution, Applicants have clarified the claims to indicate that the termination and erasing steps, which are separate from each other, are selective based on the episode being a duplicate and meets the previously selected user-identified preference for criteria.

Browne is admittedly silent on the user-identified preference for criteria, so Browne cannot use this limitation to selectively terminate (or not) and erase (or not). Knudson discloses a recording preference for a series and does not allow for recording, termination, or erasure if the selected program is a single broadcast event [0085]. Even if Knudson can be extended to a single broadcast event, Knudson merely uses the user-indicated preference to determine whether to record or not; not whether to terminate recording and erase a duplicate.

Hoffberg merely adds a best-guess match between buffered recorded data and a previous episode of a series, and if there is a match, to delete the buffered data.

So, nowhere would the combination of Browne, Knudson, and Hoffberg allow a broadcast event to be recorded that is a duplicate but termination and erasure is selectively overridden because

the user-selected criteria requires recording of every show with a specific actor in that show as recited in the claims of the present invention.

As discussed by the Office Action on pages 4 and 5, the determination of whether to selectively terminate and erase can be a two-step process, where the selection to terminate and erase can be based on the user-selected criteria and the determination that the episode is a duplicate. The cited references only determine whether to record based on the user-specified criteria, and only determine that the recording should be erased based on a best guess of duplication. The claims have been clarified that the determination to terminate recording and erase is selectively based on both the user-selected preference for criteria and determination of duplication. No such teaching or suggestion can be drawn from the cited references, because none of the references teach selective erasure based on the user-selected preference for criteria as recited in the claims of the present invention.

The ancillary Vallone reference does not remedy the deficiencies of the Browne, Knudson, and Hoffberg references, and in any event is not cited as teaching any of the limitations discussed herein.

As such, the various elements of Applicants' claimed invention together provide operational advantages over the systems disclosed in Browne, Knudson, Hoffberg and Vallone. In addition, Applicants' invention solves problems not recognized by Browne, Knudson, Hoffberg and Vallone. The arguments and amendments made herein are supported by the specification as filed at least in paragraphs [0056] – [0066] and [0133] – [0134].

Thus, Applicants submit that independent claims 110 and 119 are allowable over Browne, Knudson, Hoffberg and Vallone and all other references previously cited. Further, dependent claims 111-118 and 120-127 are submitted to be allowable over the cited references in the same manner, because they are dependent on independent claims 110 and 119, respectively, and because they contain all the limitations of the independent claims. In addition, dependent claims 111-118 and 120-127 recite additional novel elements not shown by the cited references.

V. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney. The Director is authorized to charge Applicant's Deposit Account No. 50-0383 should any fees become due with this response.

Respectfully submitted,

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